

**MARTIN CLEARWATER & BELL LLP**

COUNSELORS AT LAW

220 EAST 42ND STREET, NEW YORK, NY 10017-5842

TELEPHONE (212) 697-3122 FACSIMILE (212) 949-7054

www.mcblaw.com

STACIE L. YOUNG
PARTNERDIRECT DIAL: (212) 916-0957
E-MAIL: youngs@mcblaw.com**MEMO ENDORSED****VIA HAND DELIVERY**Honorable P. Kevin Castel
United States Courthouse
500 Pearl Street
New York, New York 10007Re: Employers Insurance Company of Wausau v. Munich Reinsurance America, Inc.

Civil Action No.: 10 CV 3558 (PKC)

MCB File No.: 70-81952

Dear Judge Castel:

We represent plaintiff, Employers Insurance Company of Wausau ("Wausau"), in the above-referenced action. In accordance with the Court's Pretrial Conference Order of October 14, 2010, establishing the summary judgment briefing schedule, we, having consulted with counsel for defendant Munich Reinsurance America, Inc. ("Munich Re"), hereby respectfully request that the Court advise the manner in which it would like the parties to handle certain documentary evidence which will be submitted in support of Wausau's motion and Munich Re's cross-motion.

Specifically, the Court has directed that Wausau file its Notice of Motion, Memorandum of Law, Local Civil Rule 56.1 Statement of Facts and any declaration(s) in support thereof, by Friday, October 29, 2010. Having undertaken the preparation of these items over the past week, Wausau has selected various evidentiary documents it wishes to submit with its declaration in support of its motion. Most of the items are "public" information and can be filed and made part of the public record in this matter without concern. However, some of these items are "non-public" in nature – having been shared with Wausau by Munich Re only as part of the claim adjustment process.

WESTCHESTER COUNTY OFFICE
245 MAIN STREET
WHITE PLAINS, NY 10601
TELEPHONE (914) 328-2969
FACSIMILE (914) 328-4056

NASSAU COUNTY OFFICE
90 MERRICK AVENUE
EAST MEADOW, NY 11554-1576
TELEPHONE (516) 222-8500
FACSIMILE (516) 222-8513

NEW JERSEY OFFICE
744 BROAD STREET
NEWARK, NJ 07102
TELEPHONE (973) 735-0578
FACSIMILE (973) 735-0584

No document may be submitted to the Court or the public record unless the parties satisfy the standard in Lugosch v. Pyramid, 435 F.3d 110, 119-120 (2d Cir. 2006).

summary judgment motion which is not part of the public record

October 28, 2010

SO ORDERED

[Signature]

10-29-10